

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-18685 - APPLICANT: VEGAS CASH - OWNER:
CHARLESTON HEIGHTS SHOPPING CENTER, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
2. Waiver of the 1,000 foot minimum separation requirement from another financial institution is hereby granted.
3. Waiver of the 200 foot minimum separation requirement from residentially zoned property is hereby granted.
4. Waiver of the minimum square footage requirement for Auto Title Loan use is hereby granted.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a request for a Special Use Permit for a proposed Auto Title Loan Establishment, a Waiver of the 1,000 foot distance separation requirement from another financial institution, a Waiver of the 200-foot distance separation requirement from a parcel zone for residential use, and a Waiver of the minimum square footage requirement for Auto Title Loan use. The project is located at 4923 Alta Drive, southeast corner of Decatur Boulevard at Alta Drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/24/06	Development Services – Current Planning Staff advised the applicant of the requirement for a Special Use Permit for the proposed Auto Title Loan business at the subject address.
10/11/06	Development Services – Current Planning staff determined that a Special Use Permit is required for the proposed use.
01/25/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #64/ja).
<i>Related Building Permits/Business Licenses</i>	
11/02/06	Business license applications to allow for the operation of a finance company and auto title loan company (Fo2 and F14) to be located at 4923 Alta Drive were denied by Business Services Division due to the determination that a Special Use Permit is required through the Planning and Development Department.
<i>Pre-Application Meeting</i>	
11/13/06	A Pre-application meeting was held with the applicant. Planning staff advised the applicant of Title 19 parking requirements for the proposed use as well as the distance separation requirements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application nor was one held.	

<i>Details of Application</i>		
Special Use Permit Requested	Minimum Square footage required	Minimum Square footage proposed
Auto Title Loan	1,500 square feet	1,428 square feet

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	SC (Service Commercial)	C-2 (General Commercial)
North	Commercial	GC (General Commercial) SC (Service Commercial)	C-2 (General Commercial)
South	Commercial	SC (Service Commercial)	C-2 (General Commercial)
East	Commercial	SC (Service Commercial)	C-2 (General Commercial)
West	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	Y		Y
Trails		N	Y
Rural Preservation Overlay District		N	Y
Development Impact Notification Assessment		N	Y
Project of Regional Significance		N	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Auto Title Loan	1,428	1 space for each 250 square feet of gross floor area	6	1	6	1	Y
SubTotal			6		6		Y
TOTAL (including handicap)			6		6		Y
Loading Spaces			1		1		Y

Waivers		
Request	Requirement	Staff Recommendation
Separation distance from other financial institution	1,000 feet	Denial
Separation distance from residentially zoned property	200 feet	Denial
Minimum square footage for Auto Title Loan use	1,500	Denial

ANALYSIS

The project proposes establishment of an Auto Title Loan business located at 4923 Alta Drive within an existing retail/commercial center. The business will be relocated from 4921 Alta Drive to a larger tenant suite directly adjacent to the current location.

- **General Plan and Zoning**

The project is located within an area designated as SC (Service Commercial) in the General Plan and is within the C-2 (General Commercial) Zone. Per Title 19.04, an Auto Title Loan business is a permitted use within the C-2 (General Commercial) Zone with a Special Use Permit.

- **Floor Plan**

The minimum square footage for the proposed financial institution requires a minimum of 1,500 square feet. The square footage of the proposed office is 1,428 square feet. A Waiver of the minimum square footage requirement is included in this request.

- **Parking**

Six parking spaces are required for the proposed use and will be provided on-site within the existing commercial center.

- **Distance Separation**

The project will be located at an existing retail and commercial center located at 4923 Alta Drive. Pursuant to Title 19.04, the project is required to show conformance with the distance separation requirements from existing financial institutions and residentially zoned districts. Financial institutions may not be located within 1,000 feet of another financial institution, and cannot be located within 200 feet of residentially zoned property. Two existing financial institutions with active business licenses located at 459 South Decatur (check cashing service) and 803 South Decatur (finance company) are within a 1,000 lineal foot radius of the proposed project site. Furthermore, the proposed use is within the 200 feet distance separation requirement of residential uses.

Planning staff coordinated with Business Services Enforcement (BSE) Section to determine the status of other financial institutions in operation (December 2006 to January 2007) surrounding the project site. Staff determined 2 other businesses currently operate without license at 439 South Decatur (U.S. Auto Title Loans) and 4921 Alta Drive (Cash Out) respectively and Notices of Violation were issued by BSE for unlicensed businesses at each address.

On January 8, 2007 BSE received a call from the manager of U.S. Auto Title Loans informing the city of a pending change of location to 5000 West Charleston Boulevard, Suite 1. Additionally on January 9, 2007 BSE determined that a change of name was not fully executed and this was discussed with the manager for Cash Out (Vegas Cash). Vegas Cash is the applicant for this Special Use Permit application to relocate from 4921 to 4923 Alta Drive. The BSE has determined that the businesses are allowed to continue operating at the current locations until they have been approved for the new addresses.

All financial institutions reviewed as under this application request are considered nonconforming under Title 19.16.030. Planning staff considers the project vicinity as having an over concentration of licensed and unlicensed financial institutions and does not recommend approval of the Special Use Permit and requested.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use will not comply with Title 19 distance separation requirements for financial institutions and protected residential uses and as such the proposal is considered incompatible with existing and projected land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The project will be located within an existing commercial center and would not intensify land use in the project area.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Adequate vehicular access is provided to the project site and will not degrade street operations.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The project will not result in any detrimental effects to human health and public safety.

5. **The use meets all of the applicable conditions per Title 19.04.**

The project does not conform to Title 19.04 regulations for Auto Title Loan businesses.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 435 by City Clerk

APPROVALS 0

PROTESTS 0